

REDACTED
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM A. PHILLIPS,

Defendant.

Criminal Action No. 08-31-JJF

Unsealed
6/30/08
~~SEALED~~ (RPG)

**SUPERSEDING
INDICTMENT**

The Grand Jury for the District of Delaware charges that:

Count 1

On or about August 17, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly attempted to transport by computer in interstate and foreign commerce child pornography, that is, computer generated visual depictions in the form of computer files which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious exhibition of the genitals and pubic area, in violation of Title 18, United States Code, Section 2252A(a)(1) and (b)(1).

Count 2

On or about September 11, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly attempted to transport by computer in interstate and foreign commerce child pornography, that is, computer generated visual depictions in the form of computer files which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious

exhibition of the genitals and pubic area, in violation of Title 18, United States Code, Section 2252A(a)(1) and (b)(1).

Counts 3 - 6

From on or about September 2, 2006, through on or about September 16, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly received and attempted to receive child pornography, that is, computer generated visual depictions in the form of computer files which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious exhibition of the genitals and pubic area, which child pornography had been transported in interstate and foreign commerce by computer, the dates being described more particularly, as follows:

<u>Count</u>	<u>Date Received</u>
3	9/02/06
4	10/15/06
5	8/12/07
6	9/16/07

in violation of Title 18, United States Code, Section 2252A(a)(2) and (b)(1).

Count 7

On or about September 19, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly possessed and attempted to possess a computer hard drive and digital storage media that contained images of child pornography, that is, visual depictions which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious exhibition of the genitals and pubic area, which child pornography had been transported in interstate

and foreign commerce and which had been produced using materials which had been transported in interstate commerce, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

Count 8

On or about August 17, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly attempted to distribute in interstate and foreign commerce visual depictions, that is, computer files, that depict computer images that are or appear to be of minors engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, in violation of Title 18, United States Code, Sections 1466A(a)(2)(A) and (B), and 2252A(b)(1).

Count 9

On or about September 11, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly attempted to distribute in interstate and foreign commerce visual depictions, that is, computer files, that depict computer images that are or appear to be of minors engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, in violation of Title 18, United States Code, Sections 1466A(a)(2)(A) and (B), and 2252A(b)(1).

Count 10

On or about August 12, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly received and attempted to receive visual depictions, that is, computer files, that depict computer images that are or appear to be of minors engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, which images had been transported in interstate and foreign commerce by computer, and which images had been produced using materials that had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 1466A(a)(2)(A) and (B), and 2252A(b)(1).

Count 11

On or about September 19, 2007, in the District of Delaware, William A. Phillips, the defendant, knowingly possessed and attempted to possess visual depictions, that is, computer files, that depict computer images that are or appear to be of minors engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, which images had been transported in interstate and foreign commerce by computer, and which images had been produced using materials that had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 1466A(b)(2)(A) and (B), and 2252A(b)(2).

Count 12

From on or about April 1, 2000, through on or about April 30, 2003, in the District of Delaware, William A. Phillips, the defendant, did use, persuade, induce and entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: a video depicting Jane Doe #1 and Jane Doe #2, both female minors, engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), which visual depiction was transported in interstate commerce to Delaware, in violation of Title 18, United States Code, Section 2251(a).

Counts 13 - 25

On or about the dates set forth below, in the District of Delaware, William A. Phillips, the defendant, did use, persuade, induce and entice a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, to wit: digital files depicting Jane Doe #1, a female minor, engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), which visual depictions were produced using materials that had been transported in interstate commerce and foreign commerce to Delaware:

<u><i>Count</i></u>	<u><i>Date</i></u>
13	From on or about November 1, 2003, through on or about April 16, 2004
14	From on or about November 1, 2003, through on or about April 18, 2004
15	From on or about November 1, 2003, through on or about May 23, 2004
16	From on or about November 1, 2003, through on or about September 13, 2004
17	From on or about November 1, 2003, through on or about September 13, 2004
18	From on or about November 1, 2003, through on or about October 10, 2004
19	From on or about November 1, 2003, through on or about October 10, 2004
20	From on or about November 1, 2003, through on or about October 11, 2004
21	From on or about November 1, 2003, through on or about February 12, 2005
22	From on or about November 1, 2003, through on or about April 24, 2005
23	From on or about November 1, 2003, through on or about June 13, 2005
24	From on or about November 1, 2003, through on or about August 6, 2005
25	From on or about November 1, 2003, through on or about October 8, 2005

All in violation of Title 18, United States Code, Section 2251(a).

Counts 26 - 36

On the dates set forth below, in the District of Delaware, William A. Phillips, the defendant, did cross a state line with intent to engage in a sexual act with another person who had not attained the age of 12 years, to wit: the defendant traveled from the state of Maryland to the state of Delaware with the intent to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2), with Jane Doe #1 who at the time was less than 12 years old:

<u><i>Count</i></u>	<u><i>Date</i></u>
26	From on or about November 1, 2003, through on or about April 16, 2004
27	From on or about November 1, 2003, through on or about April 18, 2004

<u>Count</u>	<u>Date</u>
28	From on or about November 1, 2003, through on or about May 23, 2004
29	From on or about November 1, 2003, through on or about September 13, 2004
30	From on or about November 1, 2003, through on or about October 10, 2004
31	From on or about November 1, 2003, through on or about October 11, 2004
32	From on or about November 1, 2003, through on or about February 12, 2005
33	From on or about November 1, 2003, through on or about April 24, 2005
34	From on or about November 1, 2003, through on or about June 13, 2005
35	From on or about November 1, 2003, through on or about August 6, 2005
36	From on or about November 1, 2003, through on or about October 8, 2005

All in violation of Title 18, United States Code, Section 2241(c).

A TRUE BILL:

Foreperson

COLM F. CONNOLLY
United States Attorney

By: 

Edmond Halgowski
Assistant United States Attorney

Dated: 6-24-08